

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:23-CR-00748-KWR

SOLOMON PENA,

Defendant.

DEFENDANT'S OBJECTIONS TO UNITED STATES' EXHIBIT LIST

Defendant Solomon Pena respectfully objects to Exhibits 24-31, 35-44, 46, 48, 50-58, 60-66, 72-76, 80-83, 85, 87-98, 100-102, 111, 112, 117-122, 125, 133 and 148 of United States' Second Amended Exhibit List filed on February 3, 2025, Doc. 321.

I. Election Result Exhibits Are Irrelevant

Exhibits 24, 27, 50, 57, 58, 60 and 148 are irrelevant. Moreover, because the election had passed and all alleged offense conduct occurred after the election was certified, admitting evidence related to the election results is unfairly prejudicial because it will confuse the issues and mislead the jury.

II. Text Message Exhibits are Hearsay

Defendant objects to text messages exhibits as hearsay unless the declarant is the person testifying. Text message exhibits are 25, 26, 28-31, 35-44, 46, 48, 51-56, 61-66, 72-76, 80-82, 87-98, 100-102, 111-112, 117 and 119.

III. Transcripts are Hearsay

Defendant objects to exhibits 118, 120, 121 and 125. Transcripts as substantive exhibits are hearsay. Defendant understands that they may have been numbered for impeachment purposes but defendant objects to the entirety of the transcript as evidence.

IV. Expert Reports are Substantive Evidence

Defendant objects to exhibits 122 and 133. Defendant recognizes that these reports may not be included as substantive exhibits. If they are, however, then the reports are testimonial hearsay. Any contents in those reports must therefore be presented by the expert so that Mr. Pena may confront and cross-examine those witnesses.

Respectfully Submitted,

/s/ Nicholas T. Hart
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Dated: February 10, 2025